

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

Re: Bright House Networks, LLC, et al., Complainants v. Verizon California, Inc., et al., Defendants.

American consumers deserve the benefits that come from robust competition, especially in the telecommunications marketplace. It is the FCC's mission to promote such consumer-friendly competition. Additionally, Congress has required that we protect consumer privacy. Section 222 of the Communications Act clearly prohibits carriers from using confidential customer information for marketing efforts. Consistent with Congress's intent and Commission precedent in the long-distance context, today we carry out Congress's unambiguous mandate to protect consumer privacy in local markets as well.

Carriers are free to initiate customer retention marketing campaigns before a consumer gives the order to switch from his or her current phone service provider to a new provider. Under the law, carriers are also permitted to launch "win-back" campaigns after consumers have switched. Today's action underscores long-held Commission policy that using proprietary customer information for marketing efforts cannot take place during the window of time when a customer's phone number is being switched to a new provider.

Our March, 2007, action granting the Time-Warner petition for declaratory ruling on interconnection with incumbent LECs held that cable and other VoIP providers must be able to use local phone numbers and be allowed to put calls through to other phone networks. Our action then was premised on the belief that we were working to increase meaningful competition in local telephone service. Similarly, today's action ensures that consumers in all areas of the country reap the benefits of competition in the form of lower prices, innovative services and more choice.